

AMENDED IN ASSEMBLY MAY 9, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

No. 12

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**Introduced by Assembly Member Swanson**

*(Coauthors: Assembly Members Blumenfeld, Dickinson, Halderman,  
Jeffries, Bonnie Lowenthal, and Portantino)*

*(Coauthor: Senator Fuller)*

December 6, 2010

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An act to add Section 261.9 to the Penal Code, relating to human trafficking.

### LEGISLATIVE COUNSEL'S DIGEST

AB 12, as amended, Swanson. Abolition of Child Commerce, Exploitation, and Sexual Slavery Act of 2011.

Under existing law, any person who is convicted of pimping or procuring a minor under the age of 16 for prostitution may be ordered by a court to pay an additional fine not to exceed \$5,000 to be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs, as provided.

This bill would enact the Abolition of Child Commerce, Exploitation, and Sexual Slavery Act of 2011, and would require that a person who is convicted of ~~a crime involving substantial sexual conduct, as defined, with a victim who is under 16 years of age, or who seeks~~ *seeking* to procure or ~~procures~~ *procuring* the sexual services of a prostitute, if the prostitute is ~~a minor who is under 16~~ *18* years of age, be ordered to pay an additional fine ~~of not to exceed \$25,000 to be deposited in the Victim-Witness Assistance Fund to be available for appropriation in the same manner as specified above~~ *available upon appropriation by*

*the Legislature to fund programs and services for commercially sexually exploited minors in the counties where the underlying offenses are committed.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known, and may be cited, as the  
2 Abolition of Child Commerce, Exploitation, and Sexual Slavery  
3 Act of 2011 or ACCESS Act of 2011.

4 SEC. 2. (a) The Legislature finds and declares all of the  
5 following:

6 (1) Sexual slavery of minors through human trafficking is one  
7 of the most sophisticated forms of organized crime in the country  
8 and is now globally recognized as a modern day form of slavery.

9 (2) Human trafficking and sexual exploitation involve the  
10 recruitment, transportation, and sale of people, primarily women  
11 and children, to work in the sex trade. California has become a  
12 major hub of international and domestic interstate human  
13 trafficking.

14 (3) A United States Department of Justice study estimates that  
15 over 300,000 American children are at risk of being forced into  
16 prostitution. Human trafficking and child sexual exploitation are  
17 not phenomena exclusive to countries outside the United States or  
18 to states other than California. It is a universal crisis that is  
19 occurring in our own backyards and in our city streets in broad  
20 daylight.

21 (4) Children are not safe from trafficking and exploitation in  
22 California. Some of the children trafficked are as young as four  
23 years old, but many more are only 11 or 12 years of age.

24 (5) Researchers agree that internationally the median age for  
25 the entrance of girls into prostitution is 14 years of age. In the  
26 United States, the ages vary from state to state, and in California  
27 the average age is about 12 years old.

28 (6) The business of the trafficking of children would not exist  
29 without the demand for the services of those children by the men  
30 and women who purchase those services on the streets. California  
31 needs to increase the fines against persons who engage children  
32 in these illicit activities.

(b) It is the intent of the Legislature in enacting the Abolition of Child Commerce, Exploitation, and Sexual Slavery Act of 2011 to recast the state's laws relating to human trafficking and child sex slavery to treat the trafficked children as victims, rather than prostitutes. It is also the intent of the Legislature that the ACCESS Act of 2011 will ensure that persons funding the illicit activities of human traffickers and paying for the services of child sex slaves are treated as severely under the law as an adult engaging in a sex act with a minor. The predator should be dealt with the same, regardless of whether that person is paying for the sexual services of the minor he or she is abusing.

(c) It is the intent of the Legislature that the ACCESS Act of 2011 further these purposes and also ensure that these victimized children are given access to proper treatment and the resources they need to be safe from the men and women who exploit them commercially.

SEC. 3. Section 261.9 is added to the Penal Code, to read:

~~261.9.—(a) Any person who is convicted of a crime involving substantial sexual conduct, as defined by subdivision (b) of Section 1203.066, if the victim is under 16 years of age, shall be ordered by the court, in addition to any other penalty or fine imposed, to pay an additional fine of twenty-five thousand dollars (\$25,000).~~

~~(b)—~~

261.9. (a) Any person convicted of seeking to procure or procuring the sexual services of a prostitute in violation of subdivision (b) of Section 647, if the prostitute is under ~~16~~ 18 years of age, shall be ordered by the court, in addition to any other penalty or fine imposed, to pay an additional fine ~~of in an amount not to exceed~~ twenty-five thousand dollars (\$25,000).

~~(c)~~

(b) Every fine imposed and collected pursuant to this section ~~shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs pursuant to Section 13837. shall, upon appropriation by the Legislature, be available to fund programs and services for commercially sexually exploited minors in the counties where the underlying offenses are committed.~~

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